

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES L. KIETZ,)	2:13cv507
)	Electronic Mail
Plaintiff,)	
)	District Judge David Stewart Cercone
v.)	Chief Magistrate Judge Lisa Pupo Lenihan
)	
WASHINGTON COUNTY,)	
PENNSYLVANIA, <i>et al.</i> ,)	
)	
Defendants.)	

le **MEMORANDUM ORDER**

AND NOW, this 28 day of March, 2014, after the Plaintiff, Charles L. Kietz, filed an action in the above-captioned case, and after a Report and Recommendation (ECF No. 30) was filed by the United States Magistrate Judge giving the parties until March 10, 2014, to file written objections thereto, and then granting an extension until March 25, 2010, for objections to be *received* by the Court, and the Plaintiff's objections having been *received* on March 27, 2014, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court, and the objections thereto, which the Court has considered despite their untimeliness,

IT IS HEREBY ORDERED that for the reasons set forth in that Report and Recommendation, the Motion to Dismiss (ECF No. 9), that was converted into a Motion for Summary Judgment, is **GRANTED** and judgment will be entered in favor of Defendants McGavitt, Washington County, and the Washington County Prison Board.

IT IS FURTHER ORDERED that for the reasons set forth in the Report and Recommendation, Defendants John/Jane Does #1-#5, Dr. Matthew Eisley and Dr. John Six are

granted summary judgment *sua sponte* because Plaintiff's reasons for why the Court should not do so, which he set forth in his objections, do not undermine the Magistrate's recommendation.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Drs. Eisley and Six is **DENIED as moot.**

IT IS FURTHER ORDERED that the Clerk is to mark this case **CLOSED.**

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order then a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



David Stewart Cercone
United States District Court

cc: Honorable Lisa Pupo Lenihan
Chief United States Magistrate Judge

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